

STATE OF MINNESOTA

UNTIED STATES COURTHOUSE

COUNTY OF HENNEPIN

NORTHERN U.S. DISTRICT COURT

MERRICK MICHAEL JERVIS

CASE FILE NO. 55-CR-17-2615

Petitioner

PETITION FOR WRIT OF

VS.

HABEAS CORPUS RELIEF

DEREK JOHNSON PROSECUTION OLMSTEAD COUNTY ATTORNEY

HONORABLE JUDGE KATHREIN M. WALLACE OLMSTEAD COUNTY DISTRICT JUDICIAL OFFICER.

WARDEN EDDIE MILES, MINNESOTA ATTORNEY GENERAL,

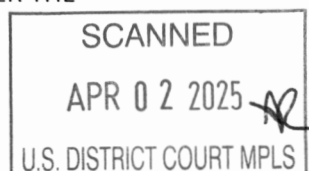
RESPONDENTS.

TO: THE UNTIED STATES COURTHOUSE FOR REVIEW OF WRONGFUL CONVICTION OF (152.023.2(a)(1) UNDER THE COLOR OF U.S. CONSTITUTIONAL RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNTIED STATES CONSTITUTION, AND VIOLATES FEDERAL RULE OF CONVICTION UNDER CONVICTION UNDER THE WRONG STATUTE OF A CRIME OF CONVICTION.

- (a) PETITIONER HAS HERETO ATTACHED COPIES OF COUNTY OF OLMSTEAD COURT DOCUMENTATION, AS FACTUAL EVIDENCE OF CONVICTION, BY OLMSTEAD COUNTY COURT HOUSE 3<sup>RD</sup> DISTRICT PROSECUTION, DEREK JOHNSON, JUDGE, KATHY M. WALLACE.
- (b) I WAS IMPRISONED BY COUNTY AND STATE AND /OR RESTRAINED OF MY LIBIRTY BY ALL LISTED ABOVE IN THIS DOCUMENT.
- (c) {APPENDIX} SENTENCING ORDER DATED JANUARY 28, 2018, SIGNED BY THIRD DISTRICT JUDGE KATHY M. WALLACE AND 4 COURT ORDERS;
- (d) {APPENDIX 1} THE COMPLAINT DATED ON 4/20/2017 IS OF THE FACT OF ORIGIN OF THE CONVICTION IN THIS CASE FILE DUE TO THE ACCUATUL DISCRIPTION AS FOLLOWS PER THE DOC MEMO STATES AS I SAW THIS ON THE ORINGIAL COMPLAINT, 152.023.2(a)(1) DRUGS – 3 RD DEGREE- POSSESION 10 GRAMS OR MORE A NARCOTIC DRUG OTHER THAN HEROIN, OFFENSE DATE: 4/20/2017 COURT CASE NUMBER: 55-CR-17-2615

CONVICTION DATE PER PLEA AGREEMENT 10/17/2017 SIGNED PLEA COURT, ACCPETED PLEA AGREEMENT ON 10/17/2017, THIS WAS A 21 MONTH COMMITMENT TO D.O.C UNDER MINN. STAT. 152.023.2(a)(1).

- (e) {APPENDIX 2} ALL DOCUMENTED COVICTIONS IN THIS FILE ARE FROM START TO END AND IN THIS FILE AFTER RECIVING MORE TIME BY CONVICTION IN A SENTENCING CONVICTION IN WABHASA COUNTY, WHILE ON SELF EXECUTIED SENTENCE PER MY REQUEST ON 7/10/2018, I WAS SAENT FROM LINO LAKES CORRECTIONAL FACILITY TO RECIVE A UPWARD DEPARTURE FOR MY CRIMES AND COUSTDY POINTS, WHICH WAS AT A [7] PER THE



- CONVICTION OF OLMSTEAD COUNTY UNDER THE WRONG STATUTE OF 152.023.2(a)(1) WHICH WAS DISCRIBED UNDER 5<sup>TH</sup> DEGREE CONTROLLED SUBSTANCE CRIMES AS LISTED IN MY BCA RECORD PER THE DATA BASE IT WAS RECALLED FROM DUE TO CONVICTION OF OLMSTEAD COUNTY.
- (f) THE CONFINEMENT REPORT CLEARLY STATES THAT IT WAS 21 MONTHS ON SENTENCE MEMO, SENTENCE DIGRAM CLEARLY PROVIDES [A1] SENTENCE COMMENCEMENT REPORT ON; 7/10/2017, AS FACT THIS FACTUAL DOCUMENTATION I WILL ATTACH CLEARLY STATES AS WWLL THAT THE CONFINEMENT RELEASE PROJECTION DATE {1/7/2019} WHICH MY BCA RECORD REFLECTS AS WELL.
- (g) {APPENDIX 3} AS THE SENTENCE MEMO CLEARLY STATES AFTER BEING CHARGED AND SENTENCED WHILE IN THE DEPARTMENT OF CORRECTIONS ON A DIFFERENT FILE, I WAS RELEASED UNDER THE CONVICTION AS THE {A1} SENTENCE STATES AND ALL 21 MONTHS WAS UNDER THAT SENTENCE AND STATE STATUTE, IN THIS CASE FILE.
- (h) {APPENDIX 4} THE CONDITIONS OF RELEASE DOCUMENT REFLECTS MY RELEASE FROM LINO LAKES AFTER THE CONVICTION AND THE SENTENCE BEING CARRIED OUT BY {OLMSTEAD COUNTY, PROSECUTION, JUDGE KATHY M. WALLACE AND THE THIRD DISTRIC COURT WHICH DEFILES MY LIBIRTY IN THIS CASE WHICH IS AGAINST MY CONSTITUTIONAL RIGHTS WHICH VIOLATES DUE PROCESS, PROCUDERAL DUE PROCESS BY DOCUMENTATION IN THIS CASE FILE AND ALL SENTENCING WORK SHEETS THAT WERE USE IN ANY AND ALL SENTENCING AFTER THIS DATE AS WELL.
- (i) {APPENDIX 5} I WILL IN-CLUDE A COPY OF THE MINNESOTA JUDICIAL BRANCH MINNESOTA COURT RECORDS ONLINE {MCRO} FOR FACTUAL BASIS IN THIS CASE OF WRONGFUL CONVICTION BY DOCUMENTATION PER OLMSTEAD COUNTY THIRD DISTRICT COURT, PROSECUTION, AND JUDGE KATHY M. WALLACE.
- (j) {APPENDIX 6} ON ANOTHER DOCUMENT PROVIDER BY OLMSTEAD COUNTY PUBLIC DEFENDER MILIND SHAH, #0387019 ADDRESS IS AS FOLLOWS 206 SOUTH BROADWAY, STE 500 ROCHESTER, MN 55904, **DEFENDANTS DEMAND FOR DISCLOSURE DOCUMENT.** CLEARLY STATES THAT THE COUNTY USES THE NCIC AND BCA PRINTOUTS AND ANY OTHER RECORD OF CHARGES AND {CONVICTIONS;CASE FILE 55-CR-17-2615 THAT WAS ALTURED IN MY BCA RECORD AFTER TERMINATION OF CONVICTION STATE STATUE {152.023.2(a)(1); DATE OF TERMINATION WHILE ON I.S.R RELEASE 8/8/2019 THE COURT CLEARLY CHANGED AND ALTURED CONVICTION STATUTE IN BCA RECORD ONE BEING 152.025; AND ANOTHER BEING 152.025.2(A)(1) AND A DIFFERENT ONE BEING 152.025; AND ANOTHER ONE BEING OF 152.025.1(A)(1) AND ANOTHER ONE BEING OF 152.025.2(1), NIOW HOW COULD I BE CONVICTED OF ALL THESE MINNESOTA STATE STATUTES {FOR} ONE CRIME AND CONVICTION PER OLMSTEAD COUNTY AND MY ATTORNEY'S NOT ONCE NOTICE ANY OF THIS PER COURT DOCUMENTATION IN ALL CASE FILES STARTING FROM 4/20/2017 IS MY QUESTION AS THIS HAS BEEN BROUGHT TO MY ATTENTION PER D.O.C RECORDS SUPERVISOR WHILE IN FAIRBAULT MINNESOTA CORRECTIONAL FACILITY.

(k) PETITIONER MERRICK JERVIS, WAS INCARCERATED UNDER THE FALSE PRETENTIOUS CONVICTION TO THE DEPARTMENT OF CORRECTIONS {BY THE COUNTY OF OLMSTED BY THE CONVICTION IN THE COMPLAINT COMPOSED BY THE PROSECUTION IN THE COMPLAINT PROVIDED BY PROSECUTION ON FALSE FACE OF COMPLAINT}.

(l) PETITIONER MERRICK JERVIS, WAS ORIGINALLY COMMITTED TO THE DEPARTMENT OF CORRECTIONS FOR 21 MONTHS FOR A VIOLATION OF MINN STAT. & 152.023.2(a)(1) (FELONY DRUG POSSESSION 3-RD-DEGREE) FOR AN OFFENSE OCCURRING APRIL 20, 2017 FOR AN ENTIRE DURATION OF THE ENTIRE CONVICTION FROM DATE OF PLEA AGREEMENT IN OLMSTED COUNTY COURT PROVIDED OVER BY JUDGE KATHY M. WALLACE FOR CONVICTION, ON THIS ENTIRE CASE FILE.

THE CONVICTION ON THE MSG SL SCALE IS A SEVERITY LEVEL D6 AS TO HIS IMPRISONMENT TO CRUEL AND UNUSUAL PUNISHMENT DUE TO BEING CONFINED UNDER THE WRONG MINN.STAT. STATUTE FOR THE ENTIRETY OF HIS {SENTENCE} AND UNTILL I NOTIFIED THE {BCA TO ASK ABOUT THE CONVICTION} THEY DIRECTED ME BACK TO THE COUNTY OF OLMSTED AND THE {OCSO} FOR FURTHER INFORMATION.

(m) PETITIONER MERRICK JERVIS, WILL LIST THE ADDRESS THAT THE RESENTENCING OCCURRED AT BY AUTHORITY AND JUDICIAL OFFICER KATHY M. WALLACE VACATED AND RESENTENCED ME TO THE SAME SENTENCE ON AN ALREADY EXECUTED SENTENCE THAT HAD BEEN ALREADY TERMINATED DUE TO EXPIRATION ON 8/8/2019; THE RESENCEMENT TOOK PLACE ON 9/16/2019 WITH NO COUNSEL ON MY BEHALF OR NO NOTIFICATION BY THE JURISDICTION OF SENTENCING{WHILE ON ISR FOR THE 5445 FILE ON SENTENCING MEMO, AND THE 79-CR-18-467 FILE AS WELL EXP: DATE 7/17/2019.

(n) THE PETITIONER MERRICK JERVIS, WAS COMMITTED AND DETAINED UNDER COURT ORDER AND JUDGEMENT AND ON EXECUTION OF THE CURRENT COMMITTED CONVICTION OF STATE STATUTE: 152.023.2(a)(1) FOR A PERIOD OF 21 MONTHS DUE TO OLMSTED COUNTY'S CONVICTION{S}

AS PETITIONER MERRICK JERVIS, HAS EXHAUSTED HIS ADMINISTRATIVE REMEDIES IN THIS MATTER AND MADE ON OTHER APPLICATION, HE PRAYS A WRIT OF HABEAS CORPUS MAY ISSUE, AS PROVIDED BY LAW. FURTHERMORE, HE SEEKS IMMEDIATE RELEASE FROM THE UNLAWFUL IMPRISONMENT THAT WAS COMMITTED AT MINNESOTA CORRECTIONAL FACILITY LINO LAKES DUE TO THE FALSE DOCUMENTATION THAT WAS USED IN MY CONVICTION, AN DPOINT STILL BEING USED TO CONVICT, UNDER THE UNCONSTITUTIONAL CONVICTION AND CONFINMENT FOR 21 MONTHS AND THE RESENTENCE TO THE SAME CRIME AND CONVICTION UNDER A DIFFERENT CONVICTION AND STATE STAT.

DATED: March 22, 2025

BY: MERRICK MICHAEL JERVIS {#219365}

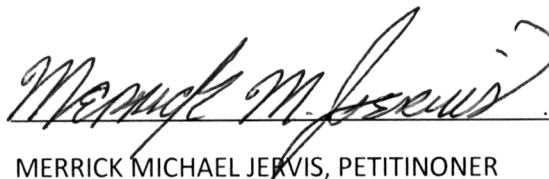
MCF-FAIRBAULT CORRECTIONAL

1101 LINDEN LANE FAIRBAULT, MN 55021



**DECLARATION**

I DECLARE {OR CERTIFY, VERIFY, OR STATE} UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING. 28 U.S.C. & 1746 PER FEDERAL RULE OF CONVICTION UNDER THE WRONG STATE STATUTE OF 152.023.2(a)(1) FOR 21 DEPARTMENT OF CORRECTIONS DOCUMENTATION FOR FACTUAL BASIS AND COUNTY DOCUMENTATION AS WELL.

  
MERRICK MICHAEL JERVIS, PETITIONER